

**BY ORDER OF THE COMMANDER
UNITED STATES AIR FORCES IN
EUROPE**

**UNITED STATES AIR FORCES IN EUROPE
51-720**

27 AUGUST 2014

Law



**CONTROL PROCEDURES FOR THE
PURCHASE OF TAX-FREE GASOLINE AND
DIESEL FUEL FROM OFF-BASE
SUPPLIERS IN THE UNITED KINGDOM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements Air Force Policy Directive (AFPD) 51-7, *International Law*. It contains procedures for the supply of tax-free motor fuel to entitled personnel of the United States Force (USF) at United States (US) bases throughout the United Kingdom (UK). The procedures contained herein provide a standardized system within the UK that will ensure adequate internal control throughout the entire program. Strict adherence to this instruction is required as deviations therefrom may result in the withdrawal of this tax-free privilege by the UK government from the US Force in the UK. This instruction applies to personnel on temporary duty (TDY) to or permanently stationed within the UK. This instruction provides a basis for punitive action under the Uniform Code of Military Justice (UCMJ) for US Air Force military personnel or administrative action, to include possible revocation of all duty-free privileges for military and civilian personnel. This publication applies to Air Force Reserve Command (AFRC) units, to the Air National Guard of the United States (ANGUS), and to dependents and civilian employees as set forth in paragraph 1. For application of this instruction to Army, Navy, and Marine Corps members and respective civilian personnel, see AER 550-33/CINCUSNAVEURI 5840.17C/USAFEI 51-710, *Regulations on Personal Property, Local Currency, and Motor Vehicles for U.S. Personnel in the United Kingdom*. **Failure to observe the prohibitions and mandatory provisions of this instruction as stated in paragraphs 6 and 7 and related subparagraphs by military personnel is a violation of the UCMJ, Article 92, Failure to Obey Order or Regulation. Violations by civilian employees may result in administrative disciplinary action (including loss of logistic support privileges) without regard to otherwise applicable criminal or civil sanctions for violations of related laws.**

Civilians may also be subject to criminal prosecution by the host nation for violation of host nation laws. **Violations by US contactor employees will be handled according to host nations laws and the terms of their employment contract.** This instruction requires collection and maintenance of information protected by the Privacy Act of 1974, authorized by 10 U.S.C. § 815. System of records notice F024 AF IL C, *Motor Vehicle Operators' Records*, applies. Ensure that all records created as a result of processes prescribed in this publication are maintained IAW Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented, but all direct Supplements must be routed to the OPR of this publication for coordination prior to certification and approval. The authorities to waive requirements in this publication are identified with a Tier number (T-0, T-1, T-2, T-3) following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. Major changes include a title change from 3AFI 51-702 to USAFEI 51-720 and the OPR change from 3rd Air Force-United Kingdom (3AF-UK) to Detachment 1, Headquarters United States Air Forces in Europe, which is referred to throughout this document as United States Air Forces in Europe-United States Air Forces Africa/United Kingdom (USAFE-AFAFRICA/UK). It changes the name of the 3AF Form 435, *3 AF Driving/Fuel Permit* to USAFE Form 435, *USAFE-UK Driving/Fuel Permit*. It expands the scope to include disciplinary actions for civilians and contractor employees if this instruction is violated.

1. Scope. This instruction implements an agreement with Her Majesty's Revenue & Customs on behalf of the UK government and is applicable to all elements of the USF in the UK. It provides control procedures for the operation and control of a program to be known as the Off-Base Fuel Program (OBFP) under which entitled personnel belonging to the USF, who are eligible, may purchase gasoline and diesel fuel from designated off base commercial retail outlets tax and duty free. Violation of the provisions of this instruction may result in the withdrawal of individual purchase privileges, and subject USF personnel to disciplinary and/or administrative action under the UCMJ or applicable service regulations. Dependents may face administrative action per applicable service regulations. **Failure to observe the prohibitions and mandatory provisions of this instruction as stated in paragraphs 6 and 7 and related subparagraphs by military personnel is a violation of the UCMJ, Article 92, Failure to Obey Order or Regulation. Violations by civilian employees may result in administrative disciplinary action (including loss of logistic support privileges) without regard to otherwise applicable criminal or civil sanctions for violations of related laws.** Civilians may also be subject to criminal prosecution by the host nation for violation of host nation laws. **Violations by contactor employees will be handled according to host nation laws and the terms of their employment contract.**

2. Definitions.

2.1. Off Base Fuel. Gasoline and diesel supplied to entitled members of the USF who are eligible to purchase from designated retail outlets, other than Army and Air Force Exchange Service (AAFES) and Navy Exchange Service (NEX) outlets, at a price exclusive of UK excise duty and other taxes for the purpose of duty driving.

2.2. US Force. Those individuals described in paragraph 3. below.

2.3. Duty Driving. All driving in support of the US military mission by entitled personnel, as defined in paragraph 3. below, done both in the performance of normal duties and in order to serve and participate in other activities organized by, sponsored by, or beneficial to the US Force in the UK. It does not include pleasure driving.

2.4. Fuel Purchase Card. A controlled card issued through the Army and Air Force Exchange Service (AAFES) that is used to purchase tax and duty free fuel from off-base establishments.

2.5. On-base housing. For purposes of this instruction only, on-base housing includes all military family housing units and dormitory rooms within the perimeter of the base in question and all military family housing units leased by the US Force situated on land contiguous to each base.

2.6. Spouse. Spouse includes a same-sex spouse as well as an opposite-sex spouse.

2.7. USAFE Form 435, USAFE-AFAFRICA/UK Driving/Fuel Permit (DFP). A controlled card that identifies entitled persons and the vehicles into which tax-free motor fuel for duty driving purposes only may be dispensed.

3. Entitled Personnel. The following personnel are entitled to purchase gasoline and diesel, tax and duty free, in accordance with USAFEI 51-712, *Control Procedures for the Supply Of Tax-Free Gasoline and Diesel Fuel in the United Kingdom*:

3.1. Military and civilian members of the US Armed Forces permanently assigned or TDY in the UK and their dependent spouses. (Reserve and National Guard Component members are authorized while performing active or inactive duty in the UK). Military and civilian members of the US Armed Forces, including Reserve and National Guard on TDY in the UK for less than sixteen days may present their military ID card and TDY orders verifying their TDY status in the UK as proof of eligibility. It is not required that TDY orders show that a rental vehicle is authorized.

3.2. The dependent spouse of a US Armed Forces member who is performing a remote 12-month unaccompanied tour with follow-on orders to the UK or the dependent spouse who remains present in the UK after completion of a tour of duty within the UK while the US Armed Forces member has deployed on a 12-month remote unaccompanied tour. NOTE: This entitlement is limited to 12 months.

3.3. Civilian employees of US military departments (who are not UK nationals or persons ordinarily resident in the UK), including non-appropriated fund activities thereof, but excluding concessionaires and their employees. Dependent spouses of entitled civilian employees are also entitled to a DFP. Civilian employees must be employed with a US military department for a minimum of 20 working hours a week to be entitled to the DFP.

3.4. US civilians accompanying and serving exclusively with the US Armed Forces.

3.5. Individuals who are entitled to have a DFP but have temporarily relinquished their card for traffic violation processing may be issued a temporary DFP for a period not to exceed 90 days. Such cards shall be identified as “temporary” in the tracking database.

3.6. Note: Under certain circumstances, and on an exceptional basis, tax-free gasoline or diesel fuel privileges may be granted to persons who are otherwise not entitled. Privileges may be granted to qualified temporary guardians strictly for the benefit of an entitled dependent when both parents (or the sole parent in a single parent household) of the dependent are deployed or are otherwise outside the UK on official government business. Such cases will be reviewed under separate procedures and applications will require review by the base Staff Judge Advocate and the Director of Legal Services, Det 1, HQ USAFE (USAFE-AFAFRICA/UKJA). Base Staff Judge Advocates should be contacted for further information when such a case may exist.

3.7. Non-British military and civilian members of the North Atlantic Treaty Organization Intelligence Fusion Centre. This shall include the non-British spouse of such personnel.

4. Eligibility Requirements. To participate in the OBFP, entitled personnel, as defined in paragraph 3. above, must also establish their eligibility. AAFES will verify the following requirements: (T-0)

4.1. They must be permanently stationed in the United Kingdom as a member of the USF or performing temporary duty assigned to a unit of the USF for a period of not less than 3 months. (The 3 month eligibility requirement should not be confused with short term (less than 2 weeks) TDY duration referenced in paragraph 3.1 that applies to the documentation required to purchase fuel at on base AAFES stations.) They must be in possession of a valid USAFE Form 435, *Driving/Fuel Permit* which also documents the vehicle(s) to receive tax and duty free fuel.

4.2. They must possess a Military Star Card credit card with the account in their name.

4.3. They must either live in off-base non-military housing or live in on-base housing at a base where the relevant fuel for any vehicle to which the OBFP shall apply is not available from any on base retail facility.

4.4. In exceptional circumstances where an entitled person who is otherwise ineligible for the OBFP demonstrates a special need (e.g. duty requires persistent temporary duty at different locations across the UK), AAFES may, at the discretion of the AAFES UK General Manager, permit that person to join the OBFP. Persons seeking to join the OBFP under this provision must make application in writing to the Administrator at the location where he or she is stationed setting out full details of the exceptional circumstances.

4.5. Membership of the OBFP shall be limited to one fuel purchase card per entitled eligible person.

5. Procedures.

5.1. AAFES is authorized to control, manage, and administer the OBFP.

5.2. AAFES will appoint and train a designated member of its personnel to act as administrator (the Administrator) for the OBFP for each location at which eligible entitled

personnel are stationed. The Administrator need not be stationed at the location for which he or she has responsibility.

5.3. Eligible entitled personnel wishing to join the OBFP shall personally appear before the Administrator and shall produce the following documentation and other information to establish eligibility to join the OBFP:

5.3.1. Current USAFE Form 435, *Driving/Fuel Permit*, with vehicle registration number noted thereon,

5.3.2. U.S. Military or Department of Defense (DoD) Civilian ID card,

5.3.3. Subject to paragraph 5.6 below, Military Star card in good standing, or other means of automatic payment approved by AAFES,

5.3.4. Evidence of full UK postal address (e.g. utilities bill, Housing Office assignment, or other valid means of proof).

5.4. The Administrator shall take copies of all relevant documentation and retain them for inspection in a filing system which allows access to each individual's documentation (i.e. in separate files). Records shall be maintained for at least one year after the individual's termination from the program. (T-0)

5.5. If the Administrator is satisfied that the individual is an entitled and eligible person, the Administrator shall approve an Application to Join the Off Base Fuel Program to be signed by the individual. In addition, the individual will be required to complete and sign a request for an OBFP fuel purchase card to be issued by the supplier corporation with whom AAFES has contracted for the supply of off-base fuel.

5.6. If the individual is not the holder of a Military Star card, the individual shall complete an application for such a card.

5.7. AAFES shall submit the application for a fuel purchase card to the supplier corporation.

5.8. The supplier corporation shall provide AAFES with fuel purchase cards in accordance with proper applications submitted. The Administrator shall receive the cards and shall arrange to provide them to the individual. Fuel purchase cards shall not be provided to individuals directly from the supplier corporation.

5.9. Fuel purchase cards shall not be valid beyond the end of the month prior to the month in which the individual's Date Eligible to Return from Overseas (DEROS) falls. (T-0)

5.10. The individual's Military Star card account shall be debited within 24 to 72 hours the cost of fuel purchased via the fuel purchase card. The cost of such fuel shall, subject to Paragraph 6.1 below, be the tax and duty free price of the fuel which price shall be established by AAFES pursuant to its agreement with the customer in the OBFP Application.

6. LIMITATIONS - violation of any of the following limitations by military members could result in administrative or judicial punishment under Article 92 of the Uniform Code of Military Justice. Civilian personnel are subject to disciplinary action (including loss of logistic support privileges) according to applicable service regulations on civilian misconduct and adverse administrative actions.

6.1. Fuel purchase cards shall specify on their face the name of the eligible person, the registration number of the vehicle to which it applies and the type of fuel (gasoline or diesel) applicable to that card. The amount of off base fuel that may be acquired in each calendar month on each card shall be limited as follows:

6.1.1. Eligible persons stationed at locations where there are no on base tax and duty free fuel retail facilities, 400 liters per calendar month;

6.1.2. Eligible persons stationed at locations where there is an on base tax and duty free fuel retail facility which does not sell the type of fuel (diesel or petrol) required for the vehicle, 400 liters per calendar month;

6.1.3. Eligible persons stationed at locations where there is an on base tax and duty free retail facility selling the type of fuel required for the vehicle but who are living off base (see paragraph 4.3 above), 100 liters per calendar month.

6.1.4. Members of the OBFP who demonstrate exceptional circumstances justifying higher literage limits may, at the discretion of the AAFES UK General Manager, be granted higher monthly limits. Applications for higher literage limits shall be made in writing to the Administrator setting out the exceptional circumstances justifying the increased literage. **NOTE:** Persons living on base at locations where there is an on base tax and duty free fuel retail facility selling the type of fuel required for the vehicle are not entitled to join the OBFP. See paragraph 4.3 above.

6.2. Issuance of fuel purchase cards shall be limited to only one card, regardless of the number of vehicles listed on the current USAFE Form 435, *Driving/Fuel Permit*. The fuel purchase card will indicate the name of only one individual.

6.3. Fuel purchase cards shall remain the property of AAFES at all times. AAFES may at any time require an individual to surrender any fuel purchase card in his or her possession.

6.4. Any individual holding a fuel purchase card will be responsible to:

6.4.1. Ensure the fuel purchase card is kept secure at all times;

6.4.2. In the event of loss or destruction of a fuel purchase card, notify the AAFES Administrator immediately. Individuals will be liable for all purchases made using the fuel purchase card unless and until its loss is reported.

6.4.3. Maintain his or her Military Star card in good standing and with sufficient credit thereon to meet all payments for fuel purchased using a fuel purchase card.

7. PROHIBITED ACTIVITIES – violation of any of the following prohibitions by military members could result in administrative or judicial punishment under Article 92 of the Uniform Code of Military Justice. Civilian personnel are subject to disciplinary action (including loss of logistic support privileges) according to applicable service regulations on civilian misconduct and adverse administrative actions.

7.1. Fuel purchase cards shall not be used to purchase fuel beyond the literage limits applicable to that card. In the event that an individual purchases more fuel than permitted by the literage limit, the individual will be charged the full tax and duty paid price of all fuel purchased above the literage limit. Individuals exceeding the literage limit shall be subject to

suspension from the OBFP. Individuals who persistently or repeatedly exceed the literage limit shall be liable to be removed from the OBFP.

7.2. It is forbidden to:

7.2.1. Use fuel purchased under the OBFP for any purpose other than duty driving.

7.2.2. Use fuel purchased with a fuel purchase card other than in the vehicle whose registration mark is noted on the face of the fuel purchase card.

7.2.3. To alter, deface, counterfeit, sell, transfer or give away a fuel purchase card.

7.2.4. To allow, permit or accede to any person other than the individual named on a fuel purchase card to use the card to purchase fuel.

7.2.5. Fill, or permit to be filled, containers of any kind, except a tank which is an integral part of the vehicle with fuel purchased with a fuel purchase card except for small quantities placed into containers authorized under UK law for the transport of fuel within motor vehicles in the UK.

8. Interpretation. Questions involving interpretation of this instruction should be directed to base legal offices.

DOUGLAS A. COX, Brigadier General, USAF
Commander, Detachment 1, Headquarters United
States Air Forces in Europe

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 51-7, *International Law*, 5 February 2009

AFMAN 33-363, *Management of Records*, 1 March 2008

USAFEI 51-710/ AER 550-33/CINCUSNAVEURI 5840.17C, *Regulations on Personal Property, Local Currency, and Motor Vehicles for U.S. Personnel in the United Kingdom*, 27 September 2013

USAFEI 51-712, *Control Procedures for the Supply of Tax-Free Gasoline and Diesel Fuel in the United Kingdom*, current version

Forms Adopted

AF Form 847, *Recommendation for Change of Publication*

USAFE Form 435, *USAFE-UK Driving/Fuel Permit*

Abbreviations and Acronyms

AAFES—Army and Air Force Exchange Service

AFRC—Air Force Reserve

ANG—Air National Guard

DFP—Driving/Fuel Permit

ID—Identification

OBFP—Off-Base Fuel Program

SJA—Staff Judge Advocate

TDY—Temporary Duty

UCMJ—Uniform Code of Military Justice

UK—United Kingdom

US—United States

USAFE—AFAFRICA/UK - United States Air Forces in Europe-United States Air Forces Africa/United Kingdom

USF—United States Force